

From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY  
(CHAPTER I OR CHAPTER II  
OF THE PATENT COOPERATION TREATY)  
(PCT Rules 44bis.3(c) and 72.2)

To:

TAKAISHI, Kitsuma  
Kagurazaka FN Bldg. 5F, 67, Kagurazaka 6-chome,  
Shinjuku-ku Tokyo 1620825  
JAPON

Date of mailing ( <i>day/month/year</i> ) 26 October 2006 (26.10.2006)	<b>IMPORTANT NOTIFICATION</b>
Applicant's or agent's file reference HM-F391PCT	
International application No. PCT/JP2005/005781	International filing date ( <i>day/month/year</i> ) 28 March 2005 (28.03.2005)
Applicant HITACHI METALS, LTD. et al	

**1. Transmittal of the translation to the applicant.**

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

**2. Transmittal of the copy of the translation to the designated or elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

**3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer  Masashi Honda
Facsimile No. +41 22 338 82 70	Facsimile No. +41 22 338 82 70

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference <b>HM-F391PCT</b>	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. <b>PCT/JP2005/005781</b>	International filing date ( <i>day/month/year</i> ) <b>28 March 2005 (28.03.2005)</b>	Priority date ( <i>day/month/year</i> ) <b>26 March 2004 (26.03.2004)</b>	
International Patent Classification (8th edition unless older edition indicated) <b>See relevant information in Form PCT/ISA/237</b>			
Applicant <b>HITACHI METALS, LTD.</b>			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input type="checkbox"/>            | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report <b>19 October 2006 (19.10.2006)</b>
Facsimile No. +41 22 338 82 70	Authorized officer  <div style="text-align: center; font-weight: bold; font-size: 1.2em;">Masashi Honda</div> e-mail: pt08@wipo.int

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

**TRANSLATION**

**PCT**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing  
(day/month/year)

Applicant's or agent's file reference

**HM-F391PCT**

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/JP2005/005781**

International filing date (day/month/year)

**28.03.2005**

Priority date (day/month/year)

**26.03.2004**

International Patent Classification (IPC) or both national classification and IPC

Applicant

**HITACHI METALS, LTD.**

1. This opinion contains indications relating to the following items:

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/005781

Box No. I

Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

\_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/JP2005/005781

**Box No. V** Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

**1. Statement**

Novelty (N)

Claims 10-13

YES

Claims 1-9

NO

Inventive step (IS)

Claims

YES

Claims 1-13

NO

Industrial applicability (IA)

Claims 1-13

YES

Claims

NO

**2. Citations and explanations:**

Document 1: JP 2002-174374 A (Tokyo Gas Co., Ltd.), 21 June 2002, paragraphs 0015, 0016, 0025, 0026

Document 2: JP 2003-083482 A (Tokyo Gas Co., Ltd.), 19 March 2003, paragraphs 0020-0032

The inventions of claims 1-3 and 5 do not appear to be novel. The second working example of document 1 cited in the ISR is same as a flexible pipe of the inventions of claims 1-3 and 5.

The inventions of claims 1-9 do not appear to be novel. The working example of paragraph 0030 of document 2 cited in the ISR is same as a flexible pipe of the inventions of claims 1-9.

The inventions of claims 10-13 do not appear to involve an inventive step based on document 2 cited in the ISR. Although an electronically conductive paint and a peeling layer are not described in document 2, it is easy for a person skilled in the art to conceive of using this constitution.

# State Intellectual Property Office of People's Republic of China

Add: 25/F., Bldg.B, Tsinghua Tongfang Hi-Tech Plaza, No.1, Wangzhuang Rd.,  
Haidian District, Beijing, P. R. China, Postal Code:100083

Applicant	<b>Hitachi Metals,Ltd.</b>	Issuing Date: <b>October 26, 2007</b>
Patent Agent	<b>Dan ZHU</b>	
Application No.	<b>200580001765.6</b>	
Title of Invention	<b>フレキシブル管</b>	

## FIRST OFFICE ACTION

(For PCT Application Entering the National Phase)

1. ☒ The applicant has filed a request for substantive examination on \_\_\_\_\_ (day/month/year). The examiner has carried out substantive examination on the above mentioned patent application for invention in accordance with the provisions of Article 35(1) of the Chinese Patent Law.
- ☐ The Patent Office has decided to carry out a substantive examination on the above mentioned patent application for invention in accordance with the provisions of Article 35(2) of the Chinese Patent Law.
2. ☒ The applicant claimed:  
The filing date 2004.3.26 in the Japan Patent Office as the priority date,  
The filing date 2005.3.10 in the Japan Patent Office as the priority date, and  
The filing date \_\_\_\_\_ in the \_\_\_\_\_ Patent Office as the priority date.
3. ☐ The following amended document(s) submitted by the applicant is (are) unacceptable, as the document(s) is(are) not in conformity with the provisions of Article 33 of the Chinese Patent Law:
- ☐ The Chinese translation of the annexes of the International Preliminary Examination Report,  
☐ The Chinese translation of the amendment submitted under Article 19 of the Patent Cooperation Treaty,  
☐ The Chinese translation of the amendment submitted under Article 28 or 41 of the Patent Cooperation Treaty,  
☐ The amendment submitted in accordance with Rule 51 of the Implementing Regulations of the Chinese Patent Law.
- The detailed reasons for the amendments being unacceptable is described in the text of this office action.
4. ☐ The examination was carried out based on the Chinese translation of the international application as originally filed.
- ☒ The examination was carried out on the basis of the following application documents:
- ☒ The description  
Pages \_\_\_\_\_, the Chinese translation of the international application as originally filed;  
Pages \_\_\_\_\_, the Chinese translation of the annexes of the International Preliminary Examination Report;  
Pages \_\_\_\_\_, the Chinese translation of the amendment submitted under Article 28 or 41 of the Patent Cooperation Treaty;

Pages 1-8, amendment submitted according to Rule 51(1) of the Implementing Regulations of the Chinese Patent Law.

☒ The claims

Nos. \_\_\_\_\_, the Chinese translation of the international application as originally filed;

Nos. \_\_\_\_\_, the Chinese translation of the amendment submitted under Article 19 of the Patent Cooperation Treaty.

Nos. \_\_\_\_\_, the Chinese translation of the annexes of the International Preliminary Examination Report;

Nos. \_\_\_\_\_, the Chinese translation of the amendment submitted under Article 28 or 41 of the Patent Cooperation Treaty;

Nos. 1-13, amendment submitted according to Rule 51(1) of the Implementing Regulations of the Chinese Patent Law.

☒ The drawings

Pages 1-4, the Chinese translation of the international application as entering the Chinese National Phase;

Pages \_\_\_\_\_, the Chinese translation of the annexes of the International Preliminary Examination Report;

Pages \_\_\_\_\_, the Chinese translation of the amendment submitted under Article 28 or 41 of the Patent Cooperation Treaty;

Pages \_\_\_\_\_, amendment submitted according to Rule 51 of the Implementing Regulations of the Chinese Patent Law.

5. ☒ The following reference documents have been cited in this office action (their serial numbers will be referred to in the ensuing examination procedure):

Serial No.	Reference document( Number or Title)	Publication Date (or Filing date of interference patent applications)
1	<b>JP2002-174374A</b>	<b>21 day 4month 2002 year</b>
2	<b>JP2003-83482A</b>	<b>19 day 3month 2003year</b>
3		
4		

6. The result of the examination is as follows:

☐ Description:

☐ The subject matter of the application falls into the scope on which no patent right shall be granted as provided by Article 5 of the Chinese Patent Law.

☐ The description is not in conformity with the provisions of Article 26(3) of the Chinese Patent Law.

☐ The description is not in conformity with the provisions of Rule 18 or 19 of the Implementing Regulations of the Chinese Patent Law.

☒ Claims:

☐ Claim \_\_\_\_\_ falls into the scope within which no patent right shall be granted as provided by Article 25 of the Chinese Patent Law

☒ Claims 1-4 do not possess novelty as provided by Article 22(2) of the Chinese Patent Law.

☒ Claims 5-9, 11, 13 do not possess inventiveness as provided by Article 22(3) of the Chinese Patent Law.

☐ Claim \_\_\_\_\_ does not possess practical applicability as provided by Article 22(4) of the Chinese

Patent Law.

- ☐ Claim \_\_\_\_\_ is not in conformity with the provisions of Article 26(4) of the Chinese Patent Law.
- ☒ Claim 11 is not in conformity with the provisions of Article 33 of the Chinese Patent Law.
- ☒ Claims 2, 10 are not in conformity with the provisions of Rule 20 of the Implementing Regulations of the Chinese Patent Law.
- ☐ Claim \_\_\_\_\_ is not in conformity with the provisions of Rule 21 of the Implementing Regulations of the Chinese Patent Law.
- ☐ Claim \_\_\_\_\_ is not in conformity with the provisions of Rule 23 of the Implementing Regulations of the Chinese Patent Law.
- ☐ Claim \_\_\_\_\_ is not in conformity with the provisions of Article 9 of the Chinese Patent Law.
- ☐ Claim \_\_\_\_\_ is not in conformity with the provisions of Rule 12(1) of the Implementing Regulations of the Chinese Patent Law.
- ☐

The detail analysis for above conclusive opinion is described in the text of this office action.

7. On the basis of the above conclusive opinion, the examiner holds that:

- ☐ The applicant should make amendments as required in the text of this office action.
- ☒ The applicant should provide reasons for that the above mentioned patent application can be granted the patent right, and make amendments to the specification which is not in conformity with the provisions as described in text of this office action; otherwise the patent right shall not be granted.
- ☐ The patent application does not possess any substantive patentable contents, if the applicant fails to provide reasons or the reasons provided are not sufficient, this application will be rejected.
- ☐

8. The applicant's attention is drawn to the following matters:

- (1) In accordance with the provisions of Article 37 of the Chinese Patent Law, the applicant shall submit a response within four months from the receipt of this office action. If the applicant fails to meet the time limit without any justified reason, the application shall be deemed to be withdrawn.
- (2) The amendment made by the applicant shall be in conformity with the provisions of Article 33 of the Chinese Patent Law. The amended documents shall be submitted in duplicate and in the format required by the relevant provisions of the Examination Guideline.
- (3) The applicant's response and/or amended documents shall be mailed or submitted to the Receiving Department of the Chinese Patent Office. Documents which are not mailed or submitted to the Receiving Department do not possess legal effect.
- (4) The applicant and/or his (its) agent shall not come to the Chinese Patent Office for interview with the examiner without an appointment.

9. The text of this office action consists of a total of 3 sheet(s), and is accompanied by the following annexes:

- ☒ A copy of cited reference documents consisting of 2 set(s) and 11 sheet(s).
- ☐

The \_\_\_\_\_ Examination Department

The Seal of the Examiner: Hongmei HOU